

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Plaintiff,

vs.

JOHN CARTER, sued in their individual and in their official capacities; TIMOTHY CARMICHAEL, sued in their individual and in their official capacities; JEFFREY HOWARD, sued in their individual and in their official capacities; MICHAEL D. GOOCH, sued in their individual and in their official capacities; DENNIS R. KEEFE, sued in their individual and in their official capacities; ROBERT HAYES, sued in their individual and in their official capacities; COUNTY OF LANCASTER COUNTY, NEBRASKA, CITY OF LINCOLN, LINCOLN POLICE DEPARTMENT, SHRIEFF OFFICER UNKNOWN, sued in their individual and in their official capacities; COUNTY OF LANCASTER COUNTY SHRIEFF DEPARTMENT, CHIEF OF LINCOLN POLICE DEPARTMENT, sued in their individual and in their official capacities; and PUBLIC DEFENDER OFFICE,

Defendants.

**8:20CV62**

**ORDER**

On June 3, 2020, the court found that Plaintiff was entitled to service of process by the United States Marshal. (Filing No. 14). The court directed the Clerk of Court to forward completed USM-285 summons forms and a copy of the complaint to the Marshal for service of process without the payment of costs of fees. (Id).

Upon additional review, the court finds that Plaintiff has sued certain of the named defendants in both their individual and official capacities. (Filing No. 1). The court will

therefore allow for additional summonses to issue so that defendants named in dual capacities receive service in both capacities.

Accordingly, IT IS ORDERED:

- 1) The Clerk of Court is directed to obtain the last-known addresses of Defendants John Carter, Timothy Carmichael, Jeffrey Howard, Michael D. Gooch, Dennis R. Keefe, and Robert Hayes from the Marshals Service for service of process on them in their individual capacities.
  - a. Upon obtaining the necessary addresses, the Clerk of Court is directed to complete USM-285 form summonses for each defendant, specifically indicating that the named defendant in each summons is being served in his individual capacity.
  - b. The Clerk of Court is further directed to deliver the completed summons forms along with a copy of the complaint to the Marshal for services of process thereafter. The Marshal shall serve the summonses and the complaint without payment of costs or fees.
  - c. The Clerk of Court shall file under seal any document containing personal addresses of the Defendants being served in their individual capacities.
- 2) As to the defendant stylized as "Chief of Lincoln Police Department," the court will give Plaintiff 30 days in which to take reasonable steps to identify the "Chief of Lincoln Police Department" and notify the court of his or her name, after which the court will initiate service of process on that individual in his or her individual capacity.
- 3) The Clerk of Court shall provide a copy of this order to Plaintiff, via first class mail, at his address of record.

Dated this 5th day of June, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge